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JAMESTOWN, NORTH DAKOTA



Bismarck Tribune file photo

The retired coal mine near Beulah that is to be home to a new nickel processing plant.

## Minnesota-based metals company to develop nickel plant in North Dakota

### Officials hope to have facility at former coal mine operational by late 2028

BY JOEY HARRIS  
The Bismarck Tribune

#### BEULAH, N.D.

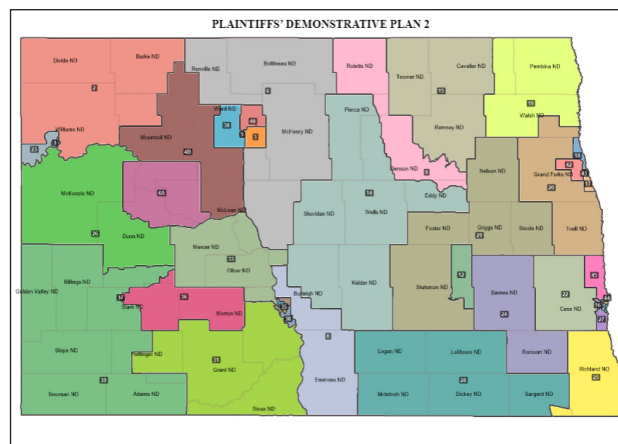
A retired North Dakota coal mine is set to become the new home of a nickel processing plant. Minnesota-based Talon Metals and Westmoreland Mining Co. signed an agreement Wednesday that gives Talon the sole rights to purchase 256 acres of the Beulah Mine along with 7 miles of a nearby rail line. The company hopes to have the facility operational by late 2028. The 9,000-acre Beulah Mine was shut down by Westmoreland a few years ago after the company filed for bankruptcy in 2019. Today, the area is still home to numerous

coal plants and mines, but the closure of Westmoreland and a few power plants has fueled anxiety among officials about the future of the region. Thanks to an allocated \$115 million from the 2021 federal Bipartisan Infrastructure Law, a huge planned private investment from Talon for the \$365 million plant, and a push by the city's economic development director, Beulah will be home to the second nickel processing plant in the country. "It's never done until it's done and so there could always be issues, but when you start talking about national security and what it means to our country, there's a lot of support behind this

project," said Granville Brinkman, Beulah's economic development director. The signing ceremony took place in Beulah, where Gov. Kelly Armstrong and all three members of North Dakota's congressional delegation spoke. "We mourned the closing of Westmoreland Mine and the overseeing of that process. We knew what a big deal it was going to be to the community to lose that, and here we are," said Rep. Julie Fedorchak, R-N.D., who prior to taking office in the U.S. House regulated coal mines as part of the state Public Service Commission. Talon's facility will primarily produce nickel concentrate, a key

component in batteries. Talon has already entered into a contract to sell 75,000 metric tons of nickel, as well as other byproducts, to electric car manufacturer Tesla over six years. Other minerals such as iron and copper are expected to be processed at the facility, too. The company is also looking into using the waste from mineral processing and with fly ash — waste from burning coal — to create cement. Domestic extraction and processing of critical minerals such as nickel have become policy priorities among lawmakers and industry officials who are seeking to shore up supply chains. These

METALS on A10



Map obtained from legal filings

This legislative district map was drawn by the plaintiffs in a lawsuit against the state of North Dakota. Federal Judge Peter Welte ordered state officials to adopt the map, but an appeals court has reversed that ruling, and Secretary of State Michael Howe says the state will be returning to the previous map.

## ND tribes ask appeals court to overturn redistricting decision

BY APRIL BAUMGARTEN  
The Forum

FARGO — Two Native American tribes have asked an appeals court to reconsider its ruling that North Dakota lawmakers did not violate the Voting Rights Act when they redrew legislative districts.

The Spirit Lake Nation and Turtle Mountain Band of Chippewa, along with several voters, filed a petition for another Eighth Circuit Court of Appeals hearing in their case against the state of North Dakota. The Appeals Court ruled earlier this month that voters cannot file a Voting Rights Act lawsuit based on allegations of racial discrimination.

"Two weeks ago, two Eighth Circuit judges ruled that the Voting Rights Act does not create voting rights enforceable by voters in court," said Mark Gaber, senior director of the Campaign Legal Center. "The full Eighth Circuit should overturn that radical and unlawful ruling, which flouts Supreme Court precedent and congressional intent."

The Campaign Legal Center represented the tribes and voters in the case.

The ruling overturned a North Dakota federal judge's verdict in November 2023 that the North Dakota Legislature diluted the Native American

vote when it redistricted its legislative voting map in 2021. Lawmakers put the Turtle Mountain Indian Reservation and the counties of Rolette, Towner and most of Cavalier into District 9. It also drew the Spirit Lake Nation into District 15 with Ramsey County.

The tribes argued that the redistricting wrongfully packed Turtle Mountain into District 9A — District 9 was split in two — then divided the Native American vote in Districts 9B and 15 with a disproportionate majority of white votes. That meant Native American voters didn't get the equal opportunity to elect candidates of their choice, the tribes argued.

"We went to court because the map the state passed made it harder for Native voters like me to have a real voice," said Wes Davis, a Turtle Mountain voter who joined the case. "The court agreed and gave us a fair chance to elect candidates. Now, the Eighth Circuit wants to take away my right to question maps that silence votes, not because we were wrong, but because they say the Voting Rights Act does not create rights."

If the Appeals Court decision stands, only the U.S. Department of Justice can file a Voting Rights Act lawsuit in the Eighth Circuit.

## Greenpeace seeks reversal of verdict, arguing jury wanted to 'punish' someone for pipeline protests

BY MARY STEURER  
North Dakota Monitor

BISMARCK — Attorneys for Greenpeace argued this week that a jury's decision ordering it to pay \$667 million to the developer of the Dakota Access Pipeline cannot stand.

A Morton County jury delivered the verdict on March 19 after more than three weeks of trial. Jurors found the environmental group responsible for damages related to anti-pipeline protests in North Dakota in 2016 and 2017, as well as for publishing defamatory statements about Energy Transfer.

Greenpeace says the jury's decision was not based on fact, but bias against the protest movement.

"What the verdict in this case reflected, your

honor, is the community's desire to punish someone who was involved in the protests," said Everett Jack, an attorney representing Greenpeace's U.S. affiliate.

The arguments followed a hearing earlier this month during which Greenpeace asked Southwestern Judicial District Court Judge James Gion to reduce the \$667 million award if he moves forward with a judgment against the environmental group.

Energy Transfer wants Gion to uphold the jury's decision in full.

The award includes more than \$200 million of compensatory damages — or money meant to make the plaintiffs whole for financial harms — and another roughly \$400 million in punitive damages.

Energy Transfer's core

argument is that Greenpeace trained protesters to wage violent attacks to stop the Dakota Access Pipeline and that it deliberately published false statements to sabotage the company's business.

Greenpeace was one of many activist groups that sent representatives to south-central North Dakota to protest in solidarity with the Standing Rock Sioux Tribe. It denies Energy Transfer's allegations and says the lawsuit is an attempt to discourage environmental activism.

During a Tuesday hearing, attorneys representing the environmental group doubled down on their claims that Energy Transfer presented no concrete evidence during the trial that Greenpeace caused the company to suffer financially.

The lawsuit is against



Amy Dalrymple / North Dakota Monitor

Kristin Casper, center, general counsel for Greenpeace International, and other representatives for Greenpeace speak to the media March 19 outside the Morton County Courthouse in Mandan.

three Greenpeace entities: Greenpeace International, Greenpeace USA, and Greenpeace Fund, its United States-based fundraising arm.

Only Greenpeace USA had employees at the

protests. Greenpeace USA says it had six staff members visit to provide peripheral support to the Indigenous-led demonstrations, including supplies and nonviolent trainings.

Energy Transfer attorney Trey Cox argued that Gion has no reason not to honor the jury's verdict.

Cox said the acts the jury found Greenpeace

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